

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Dominic Marrocco,

Plaintiff

v.

David Johnston, et al.,

Defendant

Case No.: 2:18-cv-02441-JAD-EJY

**Order Re: Dispositive
Motions**

[ECF Nos. 153, 155, 159, 161]

Defendant David Johnson filed a motion to dismiss on October 23, 2021.¹ Although this court's Local Rule 7-2(b) limits such motions to 24 pages, Johnson's motion is 56 pages long. He did not seek leave to exceed the 24-page limit, and Local Rule 7-2(c) cautions that "[t]he court looks with disfavor" on such requests. Because Johnson's motion to dismiss exceeds this court's page limits by 32 pages, it is denied without prejudice to Johnson's ability to file a motion to dismiss that complies with this court's rules. This ruling is not intended as a statement that the motion to dismiss is timely, and the court hereby takes no position on the timeliness of such a request.

For his part, plaintiff Dominic Marrocco moves for leave to file a renewed summary-judgment motion.² The parties' original round of dispositive motions was unimpressive.³ Although Marrocco suggests that a new opportunity for dispositive-motion practice should follow a recently reopened (and closed) discovery period, he notes that no discovery was actually conducted during that renewed period.⁴ So it does not appear that the record has changed in a

¹ ECF No. 159.

² ECF No. 155.

³ See ECF No. 122.

⁴ ECF Nos. 155, 157.


1 way that would justify another bite at the summary-judgment apple. The court thus does not find
2 good cause to order another round of summary-judgment motions.

3 IT IS THEREFORE ORDERED that Johnson's Motion to Dismiss [ECF No. 159] is
4 **DENIED** without prejudice, and the stipulation to extend the deadline to respond to it [ECF No.
5 **161] is DENIED** as moot.

6 IT IS FURTHER ORDERED that the Plaintiff's Motion for Updated Scheduling Order
7 and for Leave to File a Renewed Summary-Judgment Motion [ECF No. 155] is **DENIED**.

8 This case is more than three years old and it is time it proceeds to trial. So IT IS
9 FURTHER ORDERED that the Plaintiff's Renewed Proposed Pretrial Order [ECF No. 153] is
10 **DENIED** without prejudice. **The parties are directed to meet and confer and file a Joint**
11 **Pretrial Order as required by Local Rules 16-3–16-4, no later than December 20, 2021.**

12 DATED November 5, 2021

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15 United States District Judge Jennifer A. Dorsey
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